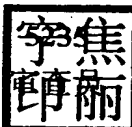
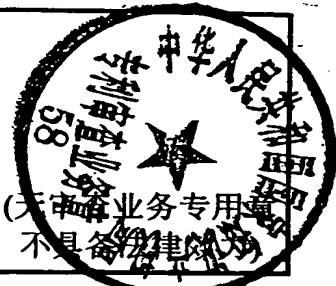



中华人民共和国国家知识产权局

邮政编码: 香港湾仔港湾道 23 号鹰君中心 22 字楼 中国专利代理(香港)有限公司 叶恺东			
申请号: 00137275.0	部门及通知书类型: 5-D	发文日期:	
代理人: 叶恺东			
申请人: 夏普公司			
发明名称: 液晶表示装置及其制造方法			

第一次审查意见通知书

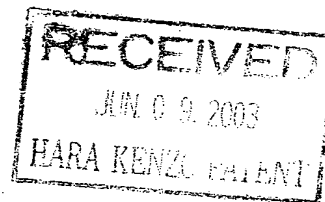
0053442 叶

1. ☒ 申请人于 2000 年 12 月 16 日 提出了实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP	专利局的申请日	1999 年 12 月 16 日	为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,



☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3. ☐ 申请人于 年 月 日和 年 月 日提交了修改文件,

经审查, 其中: 年 月 日提交的 不能被接受;

年 月 日提交的 不能被接受;

因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件进行的:

申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的说明书摘要。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

15 SEP 2003

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

2201 99.1

(注: 凡寄给审查员的信函不具有法律效力)

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP4217231	1992 年 8 月 7 日
2	JP10209458	1998 年 08 月 7 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不予授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求____属于专利法第 25 条规定的不予授予专利权的范围。
- ☐ 权利要求____不符合实施细则第 2 条第 1 款关于发明的定义。
- ☒ 权利要求 7, 10 不具备专利法第 22 条第 2 款规定的新颖性。
- ☐ 权利要求____不具备专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求____不具备专利法第 22 条第 4 款规定的实用性。
- ☐ 权利要求____不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求____不符合专利法第 31 条第 1 款的规定。
- ☒ 权利要求 1 不符合实施细则第 20 条至第 23 条的规定。
- ☐ 权利要求____不符合专利法第 9 条的规定。
- ☐ 权利要求____不符合实施细则第 12 条第 1 款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
- ☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 2 份 22 页。
- ☐

第一次审查意见通知书正文

权利要求 7 不具备新颖性, 不符合专利法第 22 条第 2 款的规定。对比文件 1 (JP4217231) 公开了一种薄膜晶体管矩阵基底及其制造方法, 并具体公开了以下的技术特征“在薄膜晶体管矩阵基底上有一个薄膜晶体管, 薄膜晶体管至少有一个栅极、一个栅极绝缘膜、一个半导体层和源极及漏极, 在连结栅极和漏极的端部处分别形成连结到外电路的栅极总线和漏极总线, 这些总线由导体氧化膜形成等”(参见该对比文件的摘要)。该权利要求所要求保护的技术方案与该对比文件所公开的内容相比, 所不同的仅仅是文字表达方式上略有差别, 其技术方案实质上是相同的, 且两者属于相同的技术领域, 并能产生相同的技术效果, 因此该权利要求不具备新颖性。

另外, 对比文件 2 (JP10209458) 也公开了权利要求 7 的技术方案(参见说明书摘要), 也致使本权利要求不具备新颖性, 不符合专利法第 22 条第 2 款的规定。

权利要求 10 不具备新颖性, 不符合专利法第 22 条第 2 款的规定。对比文件 1 公开了一种有源矩阵液晶显示装置的薄膜晶体管的制造方法, 并具体公开了以下的技术特征“在透明绝缘基底上形成有源晶体管的漏电极布线, 在栅极布线的顶部分布栅极绝缘膜, 在栅极绝缘膜上设置半导体膜, 利用抗蚀剂除去通道保护膜的局部区域等”(详情参见该对比文件的摘要)。该权利要求所要求保护的技术方案与该对比文件所公开的内容相比, 所不同的仅仅是文字表达方式上略有差别, 其技术方案实质上是相同的, 且两者属于相同的技术领域, 并能产生相同的技术效果, 因此该权利要求不具备新颖性。

另外, 权利要求 1 中存在不清楚的地方, 如“…上述由线”等, 不符合实施细则第 20 条第 1 款的规定(参见审查指南第二部分第二章第 3.2.2 节)。申请人应当删除上述措辞或者改用其它表达方式。如改用其他表达方式, 申请人应当注意该表达方式在原申请文件中要有所记载。

申请人应当在本通知书指定的答复期限内作出答复, 对本通知书提出的问题逐一进行答复, 必要时应修改专利申请文件, 否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第 33 条的规定, 不得超出原说明书和权利要求书记载的范围。

申请人在提交修改文本时应当提交: 第一, 修改涉及的那一部分原文的复印件, 采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换; 第二, 重新打印的替换页, 用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

CPEL0053442

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing, Postal code: 100088

Applicant	SHARP KABUSHIKI KAISHA			Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.				April 30, 2003
Patent Application No.	00137275.0	Application Date	December 16, 2000	Exam Dept.	
Title of Invention	LIQUID CRYSTAL DISPLAY AND MANUFACTURING METHOD THEREOF				

First Office Action

1. ☐ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on December 16, 2000.
- ☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.
2. ☒ The applicant requests taking the filing date, December 16, 1999, at the JP Patent Office, the filing date, _____, at the _____ Patent Office, the filing date, _____, at the _____ Patent Office as the priority date of the present application.
- ☒ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.
- ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.
3. ☐ The applicant filed amended application document(s) on _____ and _____.
- ☐ Examination has confirmed that _____ filed on _____ cannot be accepted, _____ filed on _____ cannot be accepted,
- as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.
- ☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ For the specific reason that the amendment(s) cannot be accepted, see the text of

the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)
☐ The examination is conducted in the light of the following application document(s):
in the original application documents submitted on the filing date:
Claim(s) _____, page(s) _____ of the description, Figure(s)
of the drawing(s); Claim(s) _____, page(s) _____ of the description,
Figure(s) _____ submitted on _____; Claim(s) _____, page (s)
of the description, Figure(s) _____ submitted on _____
☐ Abstract of the description submitted on _____.
5. ☐ The present Office Action has been prepared without a search having been
conducted.
☒ The present Office Action has been prepared with a search having been
conducted.
☒ The following reference document(s) is/are cited in this Office Action (its/their serial
number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	JP 4217231	(Date) August 7. 1992
2	JP 10209458	(Date) August 7. 1998
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☐ On the description:
- ☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
 - ☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
 - ☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- ☒ On the claims:
- ☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.
 - ☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.
 - ☒ Claim 7, 10 does not possess novelty as provided in Article 22(2) of the Patent Law.
 - ☐ Claim _____ does not possess inventiveness as provided in Article 22(3) of the Patent Law.
 - ☐ Claim _____ does not possess practical applicability as provided in Article 22(4) of the Patent Law.

- ☐ Claim _____ is not in conformity with the provision of Article 26(4) of the Patent Law.
- ☐ Claim _____ is not in conformity with the provision of Article 31(1) of the Patent Law.
- ☒ Claim 1 is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim _____ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim _____ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☒ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☐ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 2 page(s) and of the following annex(es):

- ☒ 2 duplicate copies of the reference document(s) cited totalling 22 page(s).
- ☐
- ☐

A Translation of the First Office Action

Claim 7 does not have novelty, and therefore does not meet the requirement under Article 22(2) of the Patent Law. Cited Reference 1 (JP4217231) discloses a thin film transistor matrix substrate and a method of manufacturing the same. Moreover, Cited Reference 1 specifically discloses the following technical features: thin film transistors are provided on the thin film transistor matrix substrate; each thin film transistor at least includes a gate electrode, a gate electrode insulating film, a semiconductor layer, a source electrode, and a drain electrode; there are formed a gate bus line and a drain bus line that are respectively connected to the gate electrode and to the drain electrode and that are connected to an external circuit at respective terminal sections; and the gate bus line and the drain bus line are made up of a conductive oxidized film (See the abstract of Cited Reference 1). If the technique claimed in claim 7 and the content of Cited Reference 1 are different, it is only in wording. These two techniques are substantively the same. Moreover, the two techniques fall under the same technical field, and have the same technical effects. Therefore, claim 7 does not have novelty, and does not meet the requirement under Article 22(2) of the Patent Law.

Cited Reference 2 (JP10209458) discloses the technique of claim 7 (See the abstract of the specification). Therefore, claim 7 does not have novelty, and does not meet the requirement under Article 22(2) of the Patent Law.

Claim 10 does not have novelty, and therefore does not meet the requirement under Article 22(2) of the Patent Law. Cited Reference 1 (JP4217231) discloses a thin film transistor matrix substrate and a method of manufacturing the same. Moreover, Cited Reference 1 specifically discloses the following technical features: a drain electrode wire of each thin film transistor is formed on a transparent insulating substrate; the gate electrode insulating film is disposed over a gate electrode wire; the semiconductor film is disposed on the gate electrode insulating film; and a local region of a channel protection film is removed by a resist process (See the abstract of Cited Reference 1). If the technique claimed in claim 10 and the content of Cited Reference 1 are different, it is only in wording. These two techniques are substantively the same. Moreover, the two techniques fall under the same technical field, and have the same technical effects. Therefore, claim

10 does not have novelty, and does not meet the requirement under Article 22(2) of the Patent Law.

Claim 1 is not clear, such as ‘said 由线’etc., and not in conformity with the provision of Rule 20(1) of the implementing regulations. The application should delete these words or make it in suitable expression. If you express it in another way, please make it sure that the content has already been described in original application documents.

The applicant should file a response within the time period specified in this Office Action. The response should deal with all items in this Office Action. If necessary, the application documents should be amended. Should the applicant fail to follow the above instructions, the present application shall be rejected. Pursuant to Article 33 of the Patent Law, no amendment to the application documents shall be allowed, if it is made beyond the scope of the original specification and claims.

Any amended document should be submitted with the following: 1. A copy of the amended parts of the original document. Any added, deleted or replaced word should be indicated with a red pen or red ballpoint pen. 2. A newly created page that should replace a corresponding original page. These pages should be consistent in contents.